

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

No. 24-957 T
(Judge Matthew H. Solomson)

VISA INC. AND SUBSIDIARIES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

UNOPPOSED MOTION OF THE UNITED STATES FOR ENLARGEMENT OF TIME
TO RESPOND TO PLAINTIFF’S MOTION TO REDACT

Pursuant to RCFC 6(b) and 6.1, the United States respectfully moves the Court for an enlargement of five weeks (35 days)—from the current deadline of Friday, July 5, 2024 to Friday, August 9, 2024—within which to respond to plaintiff’s Motion to Redact (Doc. 3). This is the first enlargement requested for this purpose. Defendant’s counsel has conferred with plaintiff’s counsel, who states that plaintiff does not oppose this motion.

Good cause exists for granting this motion. By way of background, plaintiff’s Motion to Redact seeks an order allowing plaintiff to redact, for purposes of the public record, the entirety of the exhibits attached to the complaint (*i.e.*, to black out, in full, nearly 3,000 pages of exhibits). *See* Motion; Doc. 2-1 through Doc. 2-20. Defendant’s counsel has expressed its concerns to plaintiff’s counsel about the scope and breadth of these redactions, and related issues, in light of the presumption of public access. *See generally, DePuy Synthes Products, Inc. v. Veterinary Orthopedic Implants, Inc.*, 990 F.3d 1364, 1369 (Fed. Cir. 2021) (requiring “strong

justification to overcome the presumption of public access.”). In the interest of judicial efficiency, the parties presently are conferring about possible ways to resolve defendant’s concerns, without the need for court intervention. The parties’ counsel have scheduled an initial teleconference for this purpose on Wednesday, July 3, 2024.¹ The requested August 9 deadline builds in time for this meet-and-confer process.

The requested August 9 deadline also takes into account the schedule of defendant’s counsel. Undersigned counsel tentatively will be on leave during a significant portion of mid-late July. And Mr. Jonathan Blacker, to whom this case also has been assigned,² has significant post-trial briefing in another case due on July 18, 2024, and then will be teaching at the Department of Justice’s National Advocacy Center in South Carolina on the week of July 21, 2024. In light of this schedule, to the extent the parties are unable to reach a resolution through the meet-and-confer process described above, the requested August 9 deadline should provide sufficient time for defendant’s counsel to continue to review the nearly 3,000 pages of exhibits filed under seal (*see* Doc. 1-2 through 1-20), draft a response to the Motion to Redact, and obtain supervisory review within the Department of Justice.

WHEREFORE, for the above stated reasons, the United States respectfully requests a 35-day enlargement of time—to and including Friday, August 9, 2024—within which to respond to the Motion to Redact (unless that motion is otherwise withdrawn or amended in the interim).

¹ This case was assigned to undersigned counsel on Wednesday, June 26, 2024, and the Department of Justice first received most of the sealed, unredacted exhibits (Doc. 1-2 through 1-20) from the Clerk’s Office on following day, July 27. Undersigned counsel then contacted plaintiff’s counsel to initiate the meet-and-confer process, described above.

² Mr. Blacker’s admission to the Court of Federal Claims is pending.

Dated: July 2, 2024

/s/ Steven M. Chasin
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* Admission to the U.S. Court of Federal Claims pending